IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.233 of 1999

Between:

1. Sudarsanam Satyanarayana Charyulu, S/o.Krishnamacharyulu, 55 years.
2. Sudarsanam Udaya Bhaskara charyulu, S/o.Krishnama Charyulu, 50 years.
3. Sudarsanam Phani Dattacharyulu,S/o.seshacharyulu, 40 years.
4. Sudarsanam Rama seshacharyulu, S/o.seshacharyulu, 35 years.
5. Sudarsanam Ramana Kumar, S/o.Seshacharyulu, 33 years.
6. Sudarsanam Valli Nadh, S/o.Seshacharyulu, 30 years.
7. Sudarsanam Murali Mohana Krishnamacharyulu, S/o.Venkata Narasimhacharyulu, 48 years.
8. SudarsanamUdaya Bhaskarrama charyulu, S/o.Venkata Narasimhacharyulu, 32 years.
9. Sudarsanam Radha Krishnamacharyulu, S/o.Pardhasaradacharyulu, 40 years.
10. Sudarsanam Chakradharacharyulu, S/o.Pardhasaradacharyulu, 29 years.

(All are Archakas, residents of Chinakapavaram, Akiveedu Mandal, West Godavari District)

...PETITIONERS

AND

1. The District Collector, West Godavari District, Eluru.

2. The Sub-Collector, Narsapur, West Godavari District.

3. The Mandal Revenue Officer, Akiveedu Mandal, West Godavari District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus, declaring that the action of the Respondents in making attempts to evict the Petitioners from the lands admeasuring Acs.4 situated in S.No.354 and Acs.3.05 cents in S.No.353/1, totally admeasuring Acs.7.05 cents situated in Chinakapavaram Village, Akiveedu Mandal, West Godavari District is illegal, arbitrary, erroneous, unconstitutional and against the procedure prescribed under Land Acquisition Act and consequently direct the Respondents not to interfere with the peaceful possession and enjoyment of the Petitioners from the land admeasuring Acs.4 situated in S.No.354 andAcs.3.05 cents in S.No.353/1, totally admeasuring Acs.7.05 cents situated in Chinakapavaram village, Akiveedu Mandal, West Godavari District.

Counsel for the Petitioners: MR.Y.V.RAVI PRASAD

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

The petitioners claim to be Archakas of Buchi Venkateswara Swamy Temple of Chinakapavaram Village. The land admeasuring Acs.4.00 in Survey No.354 and Acs.3.05 cents in Survey No.353/1 of said village belongs to temple. The petitioners allege that they are cultivating the lands and the respondents are going to acquire the lands without due process of law for the purpose of providing house sites. Therefore, they filed the present Writ Petition.

At the time of hearing, the learned Assistant Government Pleader for Revenue (Land Acquisition) brought to my notice that even before the proposals are initiated in accordance with law, the petitioner filed the Writ Petition and obtained interim orders. It is well settled that exercise of powers under Article 226 of the Constitution of India, the State cannot be prevented from acquiring the land in accordance with the provisions of the Land Acquisition Act, 1894 ('the Act' for brevity) and all questions in relation to the challenge to a notification issued under Section 4 (1) of the Act have to be raised after issuance of notification. As rightly submitted by the learned counsel, the proposals as such cannot be challenged in the Writ Petition. It is however made clear that if the petitioners are interested or treated as interested persons, they are also entitled to the notice at the time of the award enquiry under the Act.

The Writ Petition, with the above observations, is dismissed. No costs.

-

-

-

_____

(V.V.S.RAO, J)

9th August 2004

RRB

Copy To:

1. The District Collector, West Godavari District, Eluru.
2. The Sub-Collector, Narsapur, West Godavari District.
3. The Mandal Revenue Officer, Akiveedu Mandal, West Godavari District.
4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.